IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 33201 of 2006(C)

PETITIONER:

M.J.JOSEPH
S/O T. JOSEPH, RESIDING AT
MUNDAKKATTIL HOUSE
KATTAPANA VILLAGE
UDUMPANCHOLA TALUK
IDUKKI DISTRICT

BY ADV. SRI.K.N.CHANDRABABU
SRI.LISSY T.SKARIA

RESPONDENTS:
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1. **STATE OF KERALA**
   REP. BY THE SECRETARY, DEPT. OF
   EDUCATION, GOVT. SECRETARIAT
   THIRUVANANTHAPURAM
2. **THE SECRETARY (FINANCE)**
   FINANCE DEPARTMENT,
   THIRUVANANTHAPURAM
3. **THE DISTRICT EDUCATIONAL OFFICER**
   KATTAPANA

BY G.P.SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No. 33201 OF 2006

Dated this the 13th day of December,2006.

JUDGMENT

Case of the petitioner is as follows:

Petitioner is a retired H.S.A. He entered service on 17-06-1976. He was granted 20 years grade promotion. Petitioner contends that as per G.O.(P) 615/(138)/97/Fin. dated 28-6-1997, he is entitled for re-option of the 20 years grade with effect from the date of his choice on or after 01-03-1992. It is stated that as per G.O.(P) 352/96/Fin. dated 11-04-1996, a cut of date was fixed in respect of the re-option as 31-05-1996 Petitioner could not avail the benefit owing to the prescription of the cut of date by the Government. But the cut of date fixed was lifted by the Government as per G.O(P)38/152/98/Fin. dated 05-01-1998 and he submitted re-option on 17-02-1988. It was accepted by the third respondent and his pay was re-fixed. But petitioner is faced with an objection raised by the second respondent. It is stated that, in the absence of a valid re-option petitioner was directed to retain his pay based on original option and he was also directed to refund the excess amount drawn by him based on the option.

Petitioner submitted various representations. He received

Ext.P4 from the Additional Secretary of General Education Department informing him that the representation submitted by him has been forwarded to the Director, General Education Department and after getting the report, further action will be taken in the matter. So far no action has been taken.

2. I heard learned Government Pleader also.

3. In the above facts and circumstances, the writ petition is disposed of directing the second respondent to consider and take a decision on Ext.P3 in accordance with law after hearing the petitioner as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Till such time as a decision is taken, Ext.P2 shall be kept in abeyance. I leave open the contentions of the petitioner.

K.M.JOSEPH.
JUDGE.

sv.